

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DONALD ACHER,

Plaintiff,

v.

FUJITSU NETWORK COMMUNICATIONS,
INC.

Defendant.

CIVIL ACTION NO. 03-12099 (FDS)

JOINT STATEMENT

1. Preliminary Dispositive Motion

Fujitsu Network Communications, Inc. (“FNC”) will promptly be filing a Motion for Summary Judgment (“Motion”) on Counts II and III of Donald Acher’s complaint (which are the only remaining counts) demonstrating that FNC has paid and owes no money to Mr. Acher. FNC submits that such Motion will be dispositive of the case. Acher opposes the filing of this Motion until discovery has been completed.

2. Joint Discovery Plan

- a. FNC requests the resolution of the above-referenced Motion before any discovery takes place.
- b. The parties have agreed to conduct all discovery, including depositions and written discovery through November 30, 2005. Initial Disclosures will be completed by April 15, 2005. The parties' trial experts, if any, and related information pursuant to Fed. R. Civ. P. 26(a)(2) will be disclosed by September 16, 2005. Depositions of experts will take place by October 31, 2005.

3. Certification Of The Parties

The parties and their respective counsel affirm that they have conferred:


- a. with a view to establishing a budget for the cost of conducting the full course, and various alternative courses, for the litigation; and
- b. to consider the resolution of the litigation through the use of alternative dispute resolution.

FNC believes that alternative dispute resolution (e.g., mediation) may be appropriate in the event its Motion for Summary Judgment is not granted. FNC will review such position at that time, if necessary. Acher believes that alternative dispute resolution may be appropriate at the conclusion of discovery.

4. FNC would agree to trial before a Magistrate Judge. Acher does not consent to trial before a Magistrate Judge.


Respectfully submitted this ^{10th} ~~9th~~ day of March, 2005.

Counsel for Plaintiff


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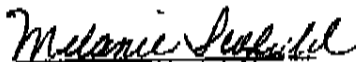
DONALD ACHER

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FUJITSU NETWORK
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By:


Melanie Scofield, Senior Vice
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